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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/791,298

03/01/2004

James T. Morris

58083/374981 (M065)

3516

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7590

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EXAMINER

TRAN, PAUL P

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

02/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/791,298	Applicant(s) MORRIS ET AL.	
	Examiner PAUL P. TRAN	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1,3-19,21-65 and 67-102.
- Claim(s) withdrawn from consideration: 2,20 and 66.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Nay A. Maung/
Supervisory Patent Examiner, Art Unit 2618

/PAUL P. TRAN/
Examiner, Art Unit 2618

Continuation of 11. does NOT place the application in condition for allowance because:
The Applicant's response in substance.

(A) Regarding claim 1, the Applicant argues that "Claim 1 recites storing and using data for a "subscribed to" channel on mobile devices, specifically reciting that data feeds comprising channel data that is updated over time, such that updated channel data is provided over time for storage in a feed store on each one of said plurality of mobile units for each one of a plurality of channels subscribed to and that channel application presentation on each mobile device uses the updated channel data from the feed store to display one of said plurality of channels subscribed to". the Applicant further argues that 'neither Clayton nor Tashiro teaches or suggests the claimed provision of "subscribed to" channel data on mobile devices as described' in claim 1 above.

In response to argument (A) above, the examiner respectfully disagrees. Clayton (ABS; Col. 2: 65-Col. 5: 32) tries to solve a problem of a traditional radio device by inadequately providing update to the internal database of radio device. Clayton (Col. 6: 3-37) proposes a system that supports two type of channels such as audio broadcasts and personal information services that can be updated by location as the mobile device travels on the roads, notwithstanding the audio broadcast service, the personal services comprising email navigation, traffic alerts, which are multimedia contents that requires the information to be downloaded and stored within the memory of the device, i.e. update memory on the road and present to user via the display screen. Clayton (Col. 13: 61-Col. 14: 29) also discloses how user may setup user profile for purchasing or subscribing the the digital satellite service. Thus, Clayton clearly discloses updating channel information of the subscribed-to broadcast channels as indicated in the user profile settings.

In addition to Clayton, Tashiro (ABS, Figs. 6, 12 and 19-20) furthermore discloses with details as how the each multimedia content channel is updated, accumulated and presented in real-time to subscriber on the mobile device 40 (Fig. 6, Page 5:[0078]-[0081]). Furthermore, Tashiro (Fig. 12, Page 7: [0118]) discloses how user can buy ticket of a horse race game and process how to pay for the subscribed game or channel. Furthermore, Tashiro (Fig. 18, ref 1200, Page 10: [0171]) discloses a satellite system comprising a electronic settlement system allow the fee charging when the device download the detail information. Furthermore, Tashiro (Figs. 19-20), shows purchasing and acquiring payment detail information using data store docking station and the mobile receiver 300 via internet connection.

As can be seen above, the examiner respectfully submits that Clayton and Tashiro discloses the limitations of Claim 1, since claim 1 simply states (partially quoted):

"said data feed comprising channel data that is updated over time such that updated channel data is provided over time for storage in a feed store on each one of said plurality of mobile units for each one of a plurality of channels subscribed to;"

Claim 1 does not discloses any details as how the updated channel data is stored or prvided over time nor what are the plurality of channels subscribed-to by user to be used. Based on at least one of the above reason, the examiner respectfully requests the rejection of Claim 1 be maintained. Claims 19, 34, 48, 63, 78, 84, 90 and 96 due to the similarity in claimed limitations, their rejections are therefore also kept unchanged. All dependent claims depending to the above claims therefore remain rejected as currently presented in the last final Office action.